

## **REMARKS**

1. In response to the Office Action mailed March 18, 2008, Applicants respectfully request reconsideration. Claims 1-38 were originally presented for examination. In the outstanding Office Action, claims 1-38 were rejected. By the foregoing Amendments, claims 1-3, 7-9, 12-14, 26-30, and 33-38 have been amended. No new matter has been added. No claims have been added or cancelled. Upon entry of this paper, claims 1-38 will be pending in this application. Of these thirty-eight (38) claims, seven (7) claims (claims 1, 7, 12, 26, 28, 29, and 34) are independent.

2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### ***Drawings***

3. Applicants note with appreciation the Examiner's acceptance of the drawings filed on January 20, 2006.

### ***Art of Record***

4. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

5. Applicants also thank the Examiner for returning the PTO/SB/08 forms submitted by Applicants on January 20, 2006, which has been initialed by the Examiner indicating the Examiner has considered the references cited therein.

6. Applicants also thank the Examiner for indicating that the IDS submitted on February 6, 2006 is accepted and that the IDS is being considered by the Examiner.

***Claim Amendments***

7. By the foregoing Amendments, Applicants submit that the above Amendments do not narrow the scope of the claims and the Amendments have not been made in response to any rejection or objection. Applicants further submit that no new matter has been added.

***Claim Rejections under §112, second paragraph***

8. Claims 7, 10, 11, 29-33 and 34-38 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regarded as the invention. The claims have been amended as noted above to overcome this rejection. Applicants respectfully request that these rejections be reconsidered and that they be withdrawn.

9. Claims 7, 29 and 34 were rejected as failing to have sufficient antecedent basis for the limitations noted by the Examiner. These claims have also been amended to accommodate the Examiner's rejections. Applicants respectfully request that these rejections also be reconsidered and that they be withdrawn.

***Claim Rejections under §102 - Ofer***

10. Independent claims 1, 7, 29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,627,472 to Ofer, *et al.* (hereinafter, "Ofer"). For at least the following reasons, Applicants respectfully disagree.

11. Ofer, assigned to Duracell Inc., is directed to a battery tester used to determine and visually indicate the determined condition of the battery to a user. Ofer describes an electrolytic cell as a tester, which is connected in series with an auxiliary cell. The tester is connected in parallel with the main cell being tested, and may be "thin enough to be integratable into a label for the main cell." (*See*, Ofer, Abstract.) Most likely, this patent was commercialized by the assignee as it "Power Check" feature which incorporated two depressible white areas on the side and bottom edge of Duracell batteries which users could simultaneously depress to cause a yellow-green meter to appear, thereby indicating the amount of charge remaining in the battery. Ofer's FIG. 2A shows two contact points 48(b), 58 and 42(b), 79 which may be depressed to

“indicate the state of charge of AA alkaline cells discharged through various loads.” (*See*, Ofer, col. 11, ll. 36-38.)

12. Independent claim 1 recites, in part, “method of managing a power supply for an electronic device ... *removing the rechargeable battery source from operation* of the device... checking for removal... *testing* the measuring circuit *for offset error* when the rechargeable battery source has been removed, and *resuming said measuring* when the rechargeable battery has been replaced.” (*See*, Applicants’ independent claim 1, as amended above; emphasis added.) Applicants assert that the above described tester of Ofer fails to anticipate or render obvious at least these elements of Applicants’ independent claim 1. Ofer fails to teach or suggest “removing” or “replacing” the rechargeable battery in order to test the measuring circuit. Furthermore, contrary to the Examiner’s assertion on page 3, paragraph 5 of the outstanding office action, Ofer fails to teach or suggest “testing the measuring circuit for offset error” as is recited in Applicants’ claim. Additionally, the Examiner points to a voluminous portion of Ofer by directing Applicants to “column 2, lines 25 – column 10, line 28”, and alleges generally that the various features of Applicants’ claim can be found in that large range of Ofer. Applicants assert that, in fact, Ofer does not teach or suggest the elements noted above and request that the Examiner at the very least explain more clearly where in the cited range she believes the teaching or suggestion is found.

13. Independent claims 7, 29 and 34 are also allowable over Ofer for reasons similar to those for independent claim 1. For the reasons noted above, Applicants respectfully assert that independent claims 1, 7, 29 and 34 are patentable over Ofer. Accordingly, Applicants request that the rejections be reconsidered and that they be withdrawn.

#### ***Claim Rejections under §102 - Levesque***

14. Independent claims 12, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,100,670 to Levesque (hereinafter, “Levesque”). For at least the following reasons, Applicants respectfully disagree.

15. Levesque is directed to a control module for use in charging systems such as charging stations or in charging systems for portable devices such as cellular or cordless phones. (*See*,

Levesque, Abstract.) The control module of Levesque is said to comprise a first port configured to connect to a battery cell, an input port configured to connect to an external power supply, a detector module, a switching module, a conversion module, a feedback module, and a processor module. (See, Levesque, col. 2, ll. 13-35.) The Detector module detects when the external power supply is connected to the input port. The switching module selects between the battery cell and the external power supply. The conversion module receives a signal indicative of an electrical characteristic and generates a status signal indicating the charging status. (See, Levesque, col. 2, ll. 18-25.) When a battery is connected to the charging system of Levesque, a display indicates that the battery is being charged, including an indication of its charge status (e.g., fully charged, not yet fully charged.) (See, Levesque, col. 4, ll. 44-53.) Levesque also states that its device can be used for any battery type, “independently from their battery chemistry (Li-Ion, NiCd, NiMH).” (See, Levesque, col. 5, ll. 4-7.)

16. Independent claim 12 recites, in part, “*means for determining a cyclical current to be delivered* to said rechargeable battery by said current maintaining means and said voltage maintaining means during a cycle; and *means for correcting* said determining means when the determined current is not being delivered to said rechargeable battery.” (See, Applicants’ independent claim 12, as amended above; emphasis added.) Applicants assert that the above described charging system of Levesque fails to anticipate or render obvious at least these elements of Applicants’ independent claim 12. Levesque fails to teach or suggest any “means for correcting said determining means when the determined current is not being delivered to said rechargeable battery.” Although Levesque may detect when the battery is inserted and is being charged, it fails to teach or suggest determining whether “the determined current is not being delivered” much less correcting the “means for determining a cyclical current to be delivered” as recited by Applicants’ independent claim 12.

17. Independent claims 26 recites, in part, “a correlator configured to correlate a *total number of unit counts of charge* during said first and second calibration stages with said predetermined maximum voltage and said predetermined minimum current.” (See, Applicants’ independent claim 26, as amended above; emphasis added.) Levesque also fails to teach or suggest at least these elements of Applicants’ independent claim 26 for the same or similar reasons applicable to Applicants’ claim 12. Specifically, Levesque may describe charging batteries and may describe

switching between an external power source and an inserted battery, but it fails to teach or suggest that a “total number of unit counts of charge” be tracked or correlated. Therefore, Applicants respectfully assert that claim 26 is similarly patentable over Levesque.

18. Independent claim 28 recites, in part, “*determining a delivered charge value of current delivered* to said rechargeable battery by sub-steps (i) and (ii).” (See, Applicants’ independent claim 28, as amended above; emphasis added.) Independent claim 28 is patentable over Levesque for the same or similar reasons that claim 26 is also patentable over Levesque as set out above. For the reasons noted above, Applicants respectfully assert that the independent claims are patentable over Levesque. Accordingly, Applicants request that the rejections be reconsidered and that they be withdrawn.

#### ***Dependent claims***

19. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

#### ***Conclusion***

20. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

21. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Any cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicant reserves the right to pursue such claims in a continuation or divisional application.

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